



PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

March 27, 2012

Attn: William P. Dubord, Esquire
Marden, Dubord, Bernier & Stevens, PA LLC
44 Elm Street
P.O. Box 708
Waterville, ME 04903-0708

RE: Embassy Suite Hotel, 1050 Westbrook Street, 210A-A-005-001 (the "Property")

Dear Attorney Dubord,

I am in receipt of your request for a determination letter concerning the Property. The Property is located within the A-B Airport Business Zone.

My research does not indicate that any variances, special exceptions, or conditional use permits, or zoning relief of any kind is associated with the development of the Property. I am not aware of any legal nonconforming issues associated with the Property.

The Property was developed with site plan approval. A copy of the site plan sign-off listing planning approval as part of the building permit approval is enclosed with this letter.

I have again researched our records in an effort to find a certificate of occupancy. I have not had any success. I am unaware that the lack of a certificate of occupancy constitutes a violation of specific zoning or building codes. There are no legal actions pending or anticipated regarding the Property.

I am confirming that the information in my November 6, 2007 determination letter is still accurate.

Very truly yours,

Marge Schmuckal
Zoning Administrator

#12160

DET 1087 = HOTEL

Address 3 Mill Hill

472-2888 772-2888

TOWN OF Portland BUILDING PERMIT APPLICATION

MAP # LOT #

For Official Use Only

Subscription: Yes / No

Port Hotel Associates

P.O.B. 7312 DIT, Portland, ME 04112

100,000 sq. ft. Hotel

Construction CONTRACTORS

227.819 Type of Use: per attached plans

Sq. Ft. # Stories Lot Size

Condominium Apartment

of New Dwelling Units

Stills must be anchored

Spacing: Size: Spacing 16' O.C.

ing Type: Size: Spacing

Yes No Spacing

Size: Spacing

Weather Exposure

Spacing Spacing

White-Tax Assessor Yellow-GPCOG

PERMIT ISSUED

Date September 23, 1988

Inside Fire Limit

Block Code

Permit Expiration

Public Private

Estimated Cost \$ 100,000

Value \$ 16,145,000

Fee \$ 1,614.50

PERMIT ISSUED

Ceilings:

1. Ceiling Joist Size _____ Spacing _____

2. Ceiling Strapping Size _____ Size _____

3. Type Ceiling _____

4. Insulation Type _____

5. Ceiling Height _____

City of Portland

Roof:

1. Truss or Rafter Size _____ Span _____

2. Sheathing Type _____ Size _____

3. Roof Covering Type _____

4. Other _____

Chimneys:

Type _____ Number of Fire Places _____

Heating:

Type of Heat _____

Electrical:

Service Entrance Size _____ Smoke Detector Required Yes No

Plumbing:

1. Approval of soil test if required Yes No

2. No. of Tubs or Showers _____

3. No. of Fixtures _____

4. No. of Lavatories _____

5. No. of Other Fixtures _____

Swimming Pools:

1. Type _____ Square Footage _____

2. Pool Size _____

3. Must conform to National Electrical Code and State Law.

Zoning:

District A-3 Street Frontage Req. _____ Provided _____

Required Setbacks: Front _____ Back _____ Side _____

Review Required: _____

Zoning Board Approval: Yes _____ No _____ Date _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shore and Floodplain Mgmt. _____

Other (Explain) _____

Date Approved 9/23/88

Permit Received By _____

Signature of Applicant _____

Signature of GPCOG _____

Inspection Date _____

White-Tax Assessor Yellow-GPCOG

White-Tax Assessor Yellow-GPCOG

PERMIT ISSUED

White-Tax Assessor Yellow-GPCOG

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DET FORT HOTEL - BUILDING PERMIT APPLICATION

PERMIT # 1260 TOWN OF Portland BUILDING PERMIT APPLICATION

Owner: Portland Jervore Hotel Associates

Address: 130 Middle St., P.O. B. 7312 WJ, Portland, ME 04112

LOCATION OF CONSTRUCTION: Westbrook St., Portland, ME 1040-1122

CONTRACTOR: Allied Construction CONTRACTORS

ADDRESS: 208 Fore Street, Portland, ME 04104

Est. Contract Value: \$1,178,819 Type of Use: per attached plans

Part Use: Building Dimensions L W Sq Ft # Stories Lot Size

Is Proposed Use: Seasonal Condominium Apartment

Conversion - Explain

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only # of Dwelling Units # of New Dwelling Units

Foundations: 1. Type of Soil: 2. Set Backs - Front: 3. Footings Size: 4. Foundation Size: 5. Other:

Floors: 1. Sills Size: 2. Girder Size: 3. Lally Column Spacing: 4. Joists Size: 5. Bridging Type: 6. Floor Sheathing Type: 7. Other Materials:

Exterior Walls: 1. Studding Size: 2. No. windows: 3. No. Doors: 4. Header Size: 5. Bracing: 6. Corner Posts Size: 7. Insulation Type: 8. Sheathing Type: 9. Siding Type: 10. Masonry Materials: 11. Metal Materials:

Interior Walls: 1. Studding Size: 2. Header Sizes: 3. Wall Covering Type: 4. Fire Wall If required: 5. Other Materials:

For Official Date: September 23, 1985. Includes fields for Insulate Fire Linite, Bid Code, Time Limit, Estimated Cost, Value Structure, Fee.

Ceiling: 1. Ceiling Joists Size: 2. Ceiling Sheathing Size: 3. Type Ceiling: 4. Insulation Type: 5. Ceiling Height:

Roof: 1. Truss or Rafter Size: 2. Sheathing Type: 3. Roof Covering Type: 4. Other:

Chimneys: Type: Number:

Heating: Type of Heat: Service Entrance Size:

Electrical: Service Entrance Size:

Plumbing: 1. Approval of soil test if required: 2. No. of Tubs or Showers: 3. No. of Flushes: 4. No. of Lavatories: 5. No. of Other Fixtures:

Swimming Pools: 1. Type: 2. Pool Size: 3. Must conform to National Electric Code:

Zoning: District: Street Frontage: Required Setbacks: Front: Review Required: Zoning Board Approval: Yes: Planning Board Approval: Yes: Conditional Use: Short and Floodplain Mgmt: Other: (Explain): Date Approved:

Permit Received By: Signature of Applicant: Signature of Inspector: Inspection Date: White-Tag Assessor: Yellow-GPCOG: White-Tag: CPOG:

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CITY OF PORTLAND, MAINE

389 CONGRESS STREET
PORTLAND, MAINE 04101
(207) 775-5451

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

October 12, 1988

Allied Construction Co.
208 Fore Street
Portland, Maine 04104

RE: 1040-1122 Westbrook St. Ptd., Me.

Dear Sir:

Your application to construct a 100,000 sq. foot hotel (R-1) (1-B) has been reviewed and a permit is herewith issued subject to the following requirements.

SITE PLAN REVIEW REQUIREMENT

Inspection Services	Approved by Planning Board	W.J. Turner	10/11/88
Fire Department	Approved by Lt. Collins		
Planning Division	Approved by Ms O'Meara		9/30/88
Public Works	Approved by S. Harris		10/05/88

Building and Fire Code Requirements

- 1.) A complete automatic fire alarm system and sprinkler system shall be installed in accordance with the appropriate NFPA standards. A separate permit and approval will be required for each.
- 2.) Every door to an exit stairway shall be provided with a self illuminated exit sign no less than 6" or more than 8" above floor level. This exit sign shall be placed on the door.
- 3.) All doors between exit access corridors and guest rooms shall be 20 minutes fire rated and self-closing.
- 4.) Emergency lighting and exit signs shall be placed throughout as required.
- 5.) The required sprinkler and fire alarm systems shall be monitored by an approved Central Receiving Station in the Municipal fire alarm loop in accordance with Municipal Ordinance 2.5.
- 6.) Provide a Class III stand pipe system in accordance with NFPA #14.
- 7.) In addition to the fire alarm, an approved voice evacuation system and fire-fighter telephone system is to be installed.



CITY OF PORTLAND, MAINE

389 CONGRESS STREET
PORTLAND, MAINE 04101
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DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

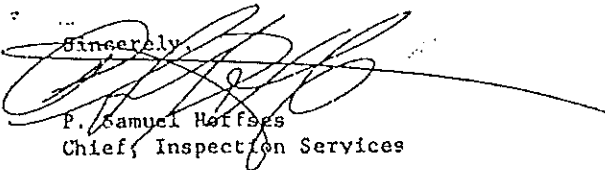
Cont.

Building and Fire Code Requirements

- 8.) Standby power, light and emergency systems shall be done in accordance with 602.9
- 9.) This structure shall meet the requirements of section 602.0 High Rise Building as per the building code.
- 10.) This building shall be designed for Seismic Zone 2.

If you have any questions regarding these requirements please do not hesitate to contact this office.

Sincerely,


P. Samuel Hoffses
Chief, Inspection Services

REVIEWED
FOR
HANDICAPPED
COMPLIANCE

210A-A-5

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF STATE FIRE MARSHAL
AUGUSTA
CONSTRUCTION PERMIT



Permit No. 6094

PERMISSION IS HEREBY GIVEN TO:
Portland Jetport Hotel Assoc.
1050 Westbrook St.
Portland, ME 04102

Location of project:
1050 Westbrook St.
Portland, ME

PROJECT TITLE:
Embassy Suite Pool Addition
OCCUPANCY CLASSIFICATION:
Hotel/Motel

To construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved. No departure from such plans shall be made without prior approval in writing.

This permit will expire at midnight on February 22, 19 94

This permit is issued under the provisions of Title 25, Chapter 317, Section 244B.

Nothing herein shall excuse the holder of this permit for the failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions.

Dated the 23rd day of August, A.D. 19 93

FEE \$ 150.00/50.00

John R. O'Connor
Commissioner - Public Safety

MARDEN, DUBORD,
BERNIER & STEVENS, PA LLC

ATTORNEYS AT LAW

44 ELM STREET

P.O. BOX 708

WATERVILLE, ME 04903-0708

www.mardendubord.com

William P. Dubord, Esquire

wdubord@mardendubord.com

Phone: (207) 873-0186

Fax: (207) 873-2245

March 20, 2012

Via Regular Mail and Email

City of Portland
Attn. Marge Schmuckal
389 Congress Street, Room 315
Portland, ME 04104

re: Embassy Suites Hotel, 1050 Westbrook Street, Portland
Map 210A, Block A005, Lot 001

Dear Marge:

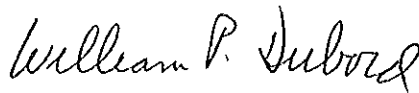
Enclosed is the \$150 check for the zoning letter fee.

I have a copy of your 2007 letters on the Embassy Suites Hotel property at 1050 Westbrook Street, Portland. What I am requesting is confirmation in writing that the information you provided in 2007 is still accurate. In other words, are you still not aware that any variances, special exceptions, conditional use permits, or zoning relief of any kind is associated with the development of the property? Also, are you still not aware of any legal non-conforming issues associated with the property?

Finally, assuming you are still unable to locate a copy of an issued Certificate of Occupancy, please confirm that the inability to find a Certificate of Occupancy does not give rise to any enforcement action affecting the property?

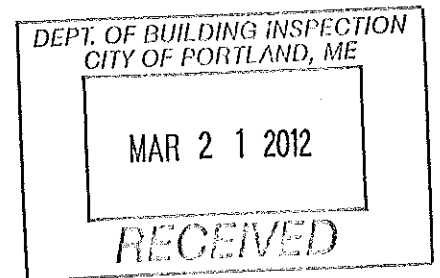
Thank you for your prompt responses to my emails and, hopefully, you can respond as soon as possible to this letter. Please call if you have any questions.

Very truly yours,



William P. Dubord

WPD/clr





PORTLAND MAINE

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Receipts Details:

Tender Information: Check , BusinessName: MARDEN, DUBORD, BERNIER & STEVENS,
Check Number: 115695
Tender Amount: 150.00

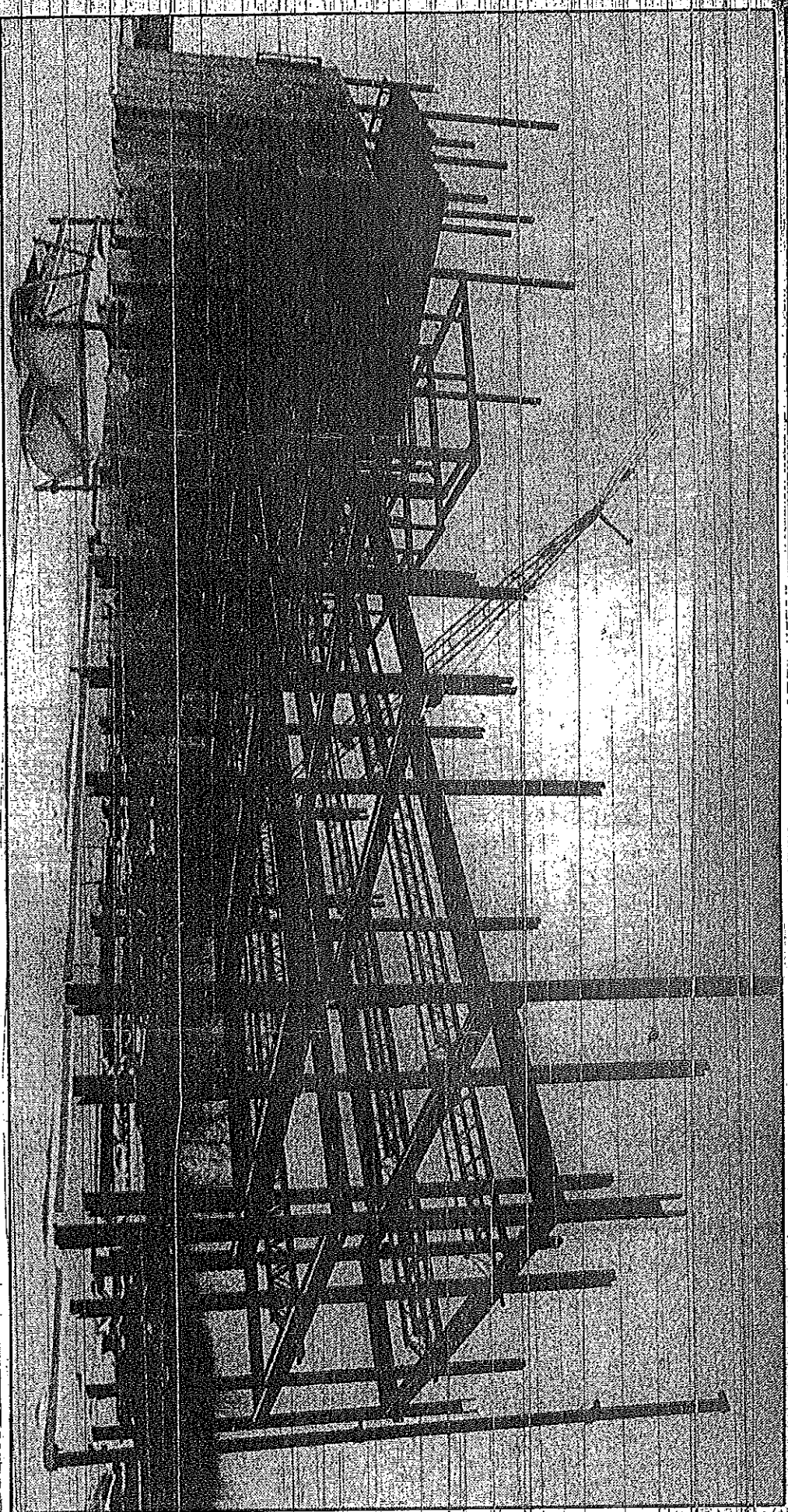
Receipt Header:

Cashier Id: bsaucier
Receipt Date: 3/21/2012
Receipt Number: 42048

Receipt Details:

Reference ID:	353	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: Embassy Suites; 1050 Westbrook ST.			

Thank You for your Payment!

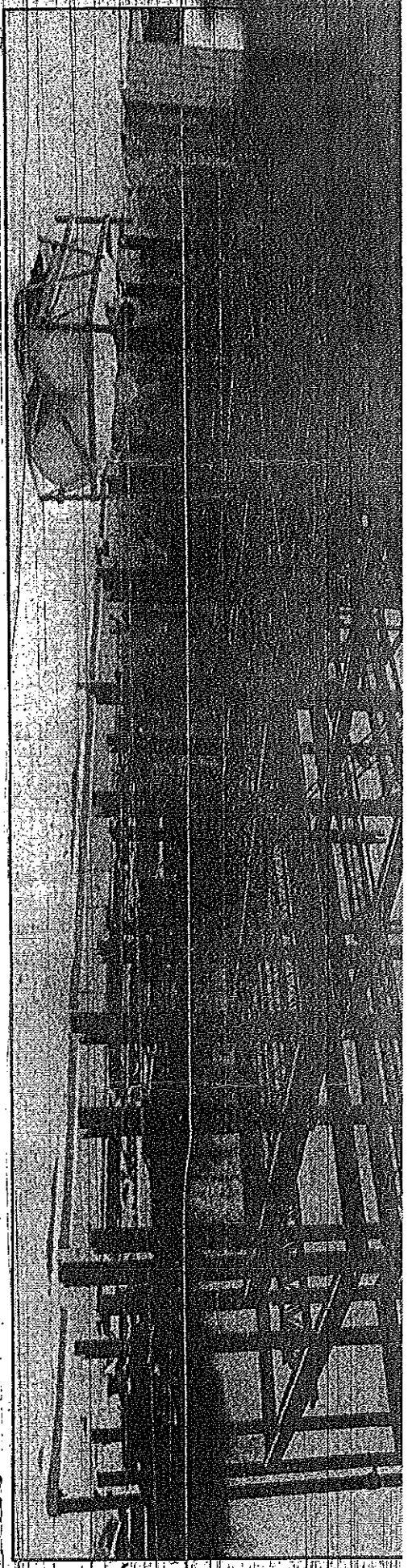


This all-suite hotel under construction adjacent to the Jetport will open in October as Quality Suites.

Staff photo

Hotel partners go for Quality

Jetport's all-suite facility joins up with franchise chain



This all-suite hotel under construction adjacent to the Jetport will open in October as Quality Suites.

Hotel partners go for Quality

Jetport's all-suite facility joins up with franchise chain

By GEORGE WEIR
Staff Writer

The 120-room, all-suite hotel under construction adjacent to the Portland International Jetport will be called Quality Suites when it opens in October, according to development partner Robert J. Dunfee Jr.

The name comes from its status as a franchise of Quality Inns International, a 1,000-franchise chain based in Silver Spring, Md.

In revealing the hotel's affiliation — "absolutely critical so you tie into a toll-free reservation system" — Dunfee also discussed various features of the \$10.5 million, six-story building and outlined the ownership and management structure.

Most of the 120 suites are laid out as one-bedroom units with adjacent living rooms, according to Dunfee. About half will have two double beds, and the other half will have single king-size beds.

Designed to attract traveling business and professional people, each suite will have a wet bar, small refrigerator, microwave oven, a coffee maker, built-in hair dryer and a television set with VCR in each of the two rooms. "And we're providing some of the suites with computer hook-ups," Dunfee added.

Two meeting rooms will seat 50 to 75 persons each, and what Dunfee called a "board room" will accommodate 15 to 20. A shuttle van will operate between the airport terminal and the hotel, which is near Westbrook Street. And, Dunfee said, to make

the hotel as nearly self-contained as possible, it will have a 75-seat restaurant/lounge and a fully equipped exercise facility.

Room prices are not yet firm, but Dunfee described the Quality Suites hotels as "basically mid-market between the Marriotts and Sheratons." He said he expects the rates to be below those of the new Portland Westbrook Hotel in South Portland — \$99 a night, according to the front desk there.

Quality Inns International demonstrates how fragmented the hotel/motel market has become, Dunfee said its properties include — from low- to high-end — McSleep Inn, Comfort Inn, Quality Inn, Clarion Inn, Comfort Suites, Quality Suites and Clarion Suites.

The franchise organization here is called the Portland Jetport Hotel Association. "I'm an owner," Dunfee said, along with his father, Robert Sr., and David and Richard Cook of Allied Construction Co. Inc., general contractor for the hotel.

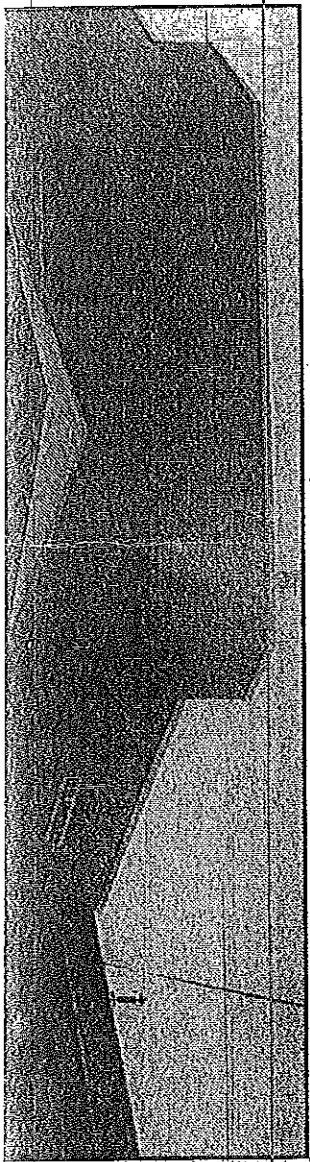
Dunfee also is an owner of The Hospitality Group, a management organization responsible for this and eight operating properties plus three others under development around New England. Gary Avigne is president of the organization, which is based in Northampton, Mass.

The Hospitality Group is currently operating the Portland Regency Inn as an agent of the federal bankruptcy court. Its only other Maine property is the Tugboat Inn in Boothbay Harbor.

Increased volume

Fish processor buys wharf facility

Fish processor Gerald Knecht "North Atlantic and Hannaford has bought the 22,000-square-foot Brothers can guarantee the Maine



But the president said he would not talk about U.S. alternatives until Panama announces the official results of Sunday's election.

U.S. officials privately said that an armed invasion was highly unlikely and that the more probable options would be to strengthen military forces, impose tougher sanctions or withdraw military dependents and civilians.

"I call on all foreign leaders to urge Gen.

election," Bush said in a hurriedly-called question-and-answer session with reporters in the Oval Office.

"I would like to think that he (Noriega) will heed the call of the people and that he would listen to the international outcry that is building and that he would step down from office — in which case the relations with the United States would improve dramatically and instantly," Bush said.

Bush hopes that pressure from other

success of Noriega's opposition will persuade him to abandon power, said an administration official, speaking on condition of anonymity.

In late afternoon, Bush met in the Oval Office with former President Carter, who led another observer delegation.

Carter accused Noriega of "theft."

See PANAMA Page 6

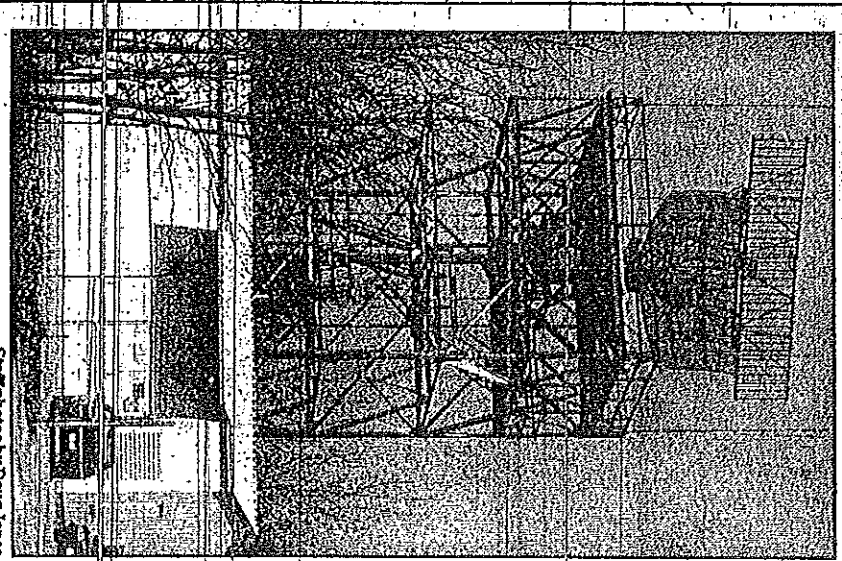
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The radar site is about a quarter-mile from the hotel.

Jetport hotel is blocking radar, say controllers

By The Associated Press

A six-story hotel being built near Portland International Jetport appears to be causing gaps in the radar coverage of some flights to the southwest, air traffic controllers said Tuesday in a complaint filed with the government.

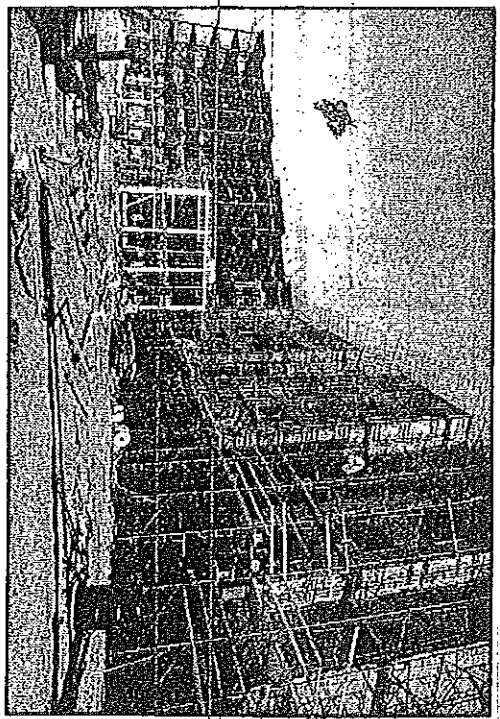
The Federal Aviation Administration said flights to and from Portland were safe.

"We're going to schedule a flight check there at 10 a.m. (today)," said Jim Lucas, manager of the FAA's Air Traffic Division for New England. "Then we'll pretty well know if there's been a loss of radar coverage."

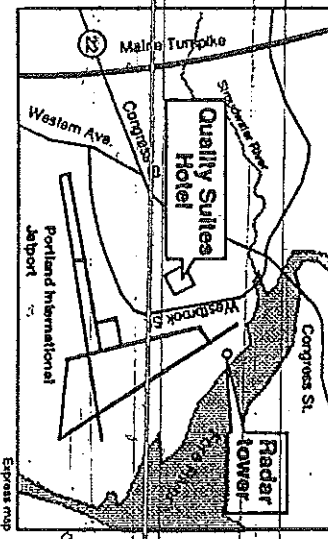
Air traffic routes could be changed if a serious enough problem is detected, Lucas said. It will be at least several days before the information gathered on Wednesday can be assessed, he said.

Air traffic controllers said in an "unsatisfactory condition report" filed with the FAA that they have experienced radar problems as the Quality Suites hotel being built by Dumley Properties Inc. has gone up.

"We're losing targets about five or six miles north of Kennebunk to, I'd say, several miles to the southwest," said Cheryl Resadio, local president of the National Air Traffic Controllers Association. "It



The Dumley-owned Quality Suites hotel is under construction near Portland International Jetport.



See RADAR Back page this section

Commissioners agree state should take over county jails

By DENNIS BAILEY Staff Writer

Cumberland County commissioners have endorsed legislation calling for the state to take control of the county jails in Maine, a move that would include the state budget by \$17 million while offering tax relief to local property owners.

To the surprise of Commissioner Joseph Mazziotti, commissioners voted 2-1 Monday

tion of the state's 14 county jails to the Maine Department of Corrections. All facilities, debts and obligations now financed by county governments — largely through local property taxes — would shift to the state, which raises its money through income and sales taxes.

That would mean Cumberland County's \$2.5 million budget for operating the jail would be assumed by the state, reducing the county's overall budget by about 30 percent.

of the proposed Cumberland County jail and other county jail expansion projects under way throughout the state.

But Mazziotti, who opposes the bill and was the sole vote against it Monday night, said he believes state control of county jails would not bring substantial savings to taxpayers.

"I'm not sure I buy the economic argument," he said. "I have not seen the state run a program less expensively than local

existed in Maine since 1820.

Ironically, the two Republican Cumberland County commissioners are supporting the state's top Democrat.

"Normally, I would not be in favor of this," said Commissioner Richard D. Hewes. "I'd prefer it if local governments could raise money from sources other than the property tax."

Absent that, however, Hewes said, he supports the measure as a way to offer some

Radars

FROM PAGE ONE

could be wider, or it could be less than that."

Local flights in and out of the airports in Biddeford and Casco could fall out of the radar's sight, as could planes coming in from Boston if they are flying under 6,000 feet, Readio said.

Lucas traced the problem to a typographical error that occurred when Dunfev told the FAA it planned to build a hotel.

"They showed it 12,000 feet from the runway. It was actually 1,170 feet," Lucas said.

Before Lucas made his remark about the typo, Dunfev president Robert Dunfev Jr. told a reporter the project had been approved by the FAA and the building was being constructed as planned.

After Lucas made his allegation about the typo, there was no answer at Dunfev's office phone.

Sixteen local air traffic controllers signed the report that was delivered to the FAA Tuesday, but Readio said the action was taken by the individual controllers, not the association.

"We assume it's the hotel that causes the interference on the radar," Readio said. "As the building's gone up, we've noticed a deterioration of the radar." She said the situation might be corrected by moving the Portland radar, which is about a quarter-mile from the hotel site.

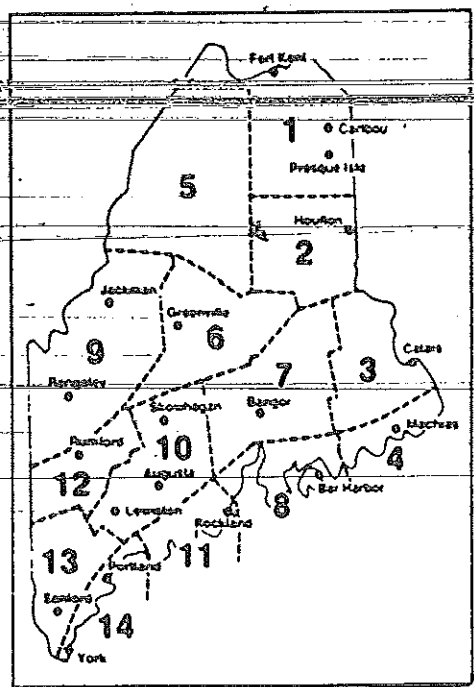
"I don't think they'll knock down the hotel," she said. "Somebody already goofed and allowed the hotel to be built."

Dunfev agreed that it would be up to the government to change the radar, saying his company plans to proceed with the hotel construction. "I'd assume the radar can be corrected," Dunfev said. "It's not the first building to be built near an airport."

A spokesman for the air traffic controllers' union in Washington characterized the radar blockage as "serious."

"If you can imagine the radar, all of a sudden a big slice of pie becomes dead," Tony Dresden said. "They're starting to lose things. It's about eight miles, which is a big chunk of space."

Asked about the FAA's perception of the seriousness of the problem, Lucas said: "I think any time we lose radar coverage, it's a problem, but we have the ability to procedurally work around it."



tionary on the mid-Atlantic coast today. East to southeast wind 10 to 20 knots. Average seas building to 3 to 5 feet. Rain and fog spreading down the coast, lowering the visibility to below 1 mile. Tonight, east 15 to 30 knots with higher gusts. Average seas 5 to 8 feet. Visibility frequently below 1 mile in rain and fog.

Extended

Maine — A chance of rain Friday through Sunday, clearing south portion Sunday. Highs in the mid 50s to mid 60s, lows in the upper 30s and 40s.

Degree days

Monday, May 8

Degree days	16
Average for date	15
Total for month	116
Total since July 1	6,875
Average for season	7,143
Total for period last year	6,836

The amount of fuel needed for heating usually varies directly with the degree days - the more degree days on a particular day, the more fuel needed to maintain a given temperature, all other factors being equal.

1

BR

The hearing stems from a Maine Supreme Court decision last fall

rents and high expenses, the income approach would likely result in a much lower property

revaluation, the cost approach applied, Traub said, because then City Assessor Douglas Childs was

asked to value

New hotel blocks radar, tests show

By DIETER BRADBURY
Staff Writer

Preliminary tests by the Federal Aviation Administration have confirmed a complaint from local air traffic controllers that a new hotel at the Portland International Jetport is blocking radar coverage in part of York County.

After a specially equipped FAA plane flew through the area yesterday, Ray German, regional air traffic hub manager for the agency, said a coverage gap about seven miles wide was found between Kennebunk and Sanford.

German said the gap was narrow near the site of the Quality Suites hotel, a six-story building under construction on Westbrook Street near the general aviation facilities at the airport.

The agency has said the coverage gap does not affect flight safety, but it is considering the possibility of rerouting flights around the affected area and may have to move the radar.

It will take several days of testing to fully assess the problem, the FAA says.

Air traffic controllers filed an "Unsatisfactory Condition Report" with the FAA on Tuesday, and agency spokesman Michael Ciccarelli said yesterday the FAA considered the matter an urgent one.

However, another FAA official has told the Evening Express the agency has known about the problem for about three weeks. "It first came to my attention that the hotel was a problem about mid-March," said Stanley E. Matthews, manager of the airspace and procedures branch.

The agency scheduled the flight check for the middle of next week after receiving a call from a reporter on Monday. After controllers filed their complaint, the flight check was rescheduled for yesterday.

The FAA says the hotel's developers filed forms prior to construction reporting that the building would be 12,000 feet from the nearest runway. But the forms contained a typographical error, and the actual distance is about 1,200 feet.

Developer Robert Dunfee Jr. confirmed the error but noted that accurate maps accompanied the forms.

Ciccarelli said the agency is not blaming the developers. "Why point the finger at an innocent mistake?"

Better service focus of seminar at USM

Seminars designed to improve service at hotels, restaurants and other facilities will be presented by the University of Southern Maine

NOTICE

Effective May, 1989 Crooker's Hot Top Plant will be open from 6 a.m.-1 p.m. on Saturdays (except holiday weekend) for large orders please call in advance.

Crooker Paving

Rt. 196
Topsham, Me
729-5511

Ladies Night

Thursday 7:30 - 10:30

Well Drinks House Wine
Bud Light
50¢ For Ladies



Play "Love on the Rocks"
and win diamonds from G.M.

Pollack or a Broadway
Weekend in New York for two.

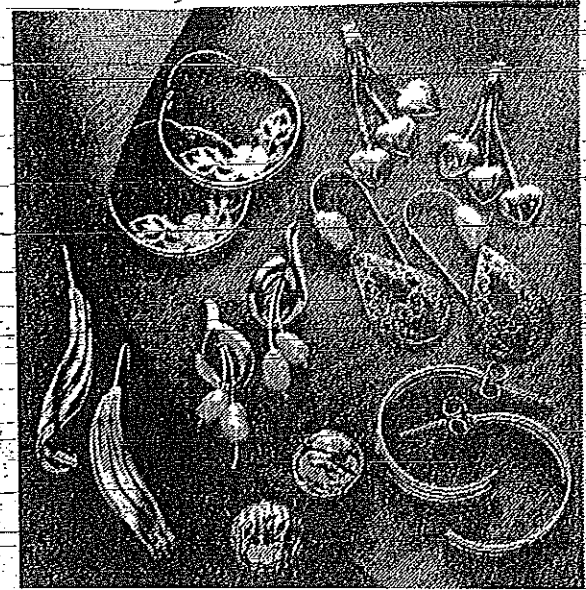


Me. Mall
Good Food
Good Drink
Good Times

Portland Evening Express
5/11/1989 p. 5

MOM'S!

SAVE 30% TO 35% ON PEUGEOT WATER



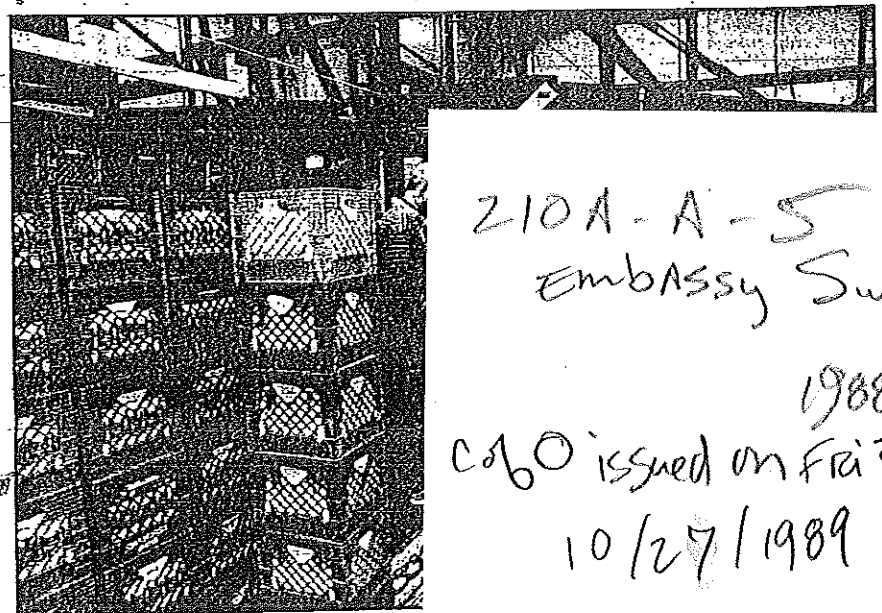
INDOOR/OUTDOOR
BASKETBALL
For Men & G



VISA
MC
DISCOVER

YARMOUTH
RT. ONE MARKET
846-1563
M Sat 10-9 Sun 1

Business



210A-A-5
Embassy Suites
1988-89
C/O issued on Fri?
10/27/1989

Moving

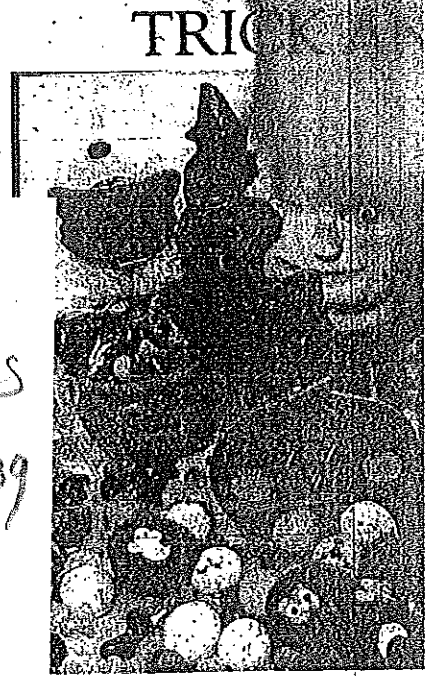
An Oakhurst Dairy worker guides stacked cases of milk as they move along an automated conveyor belt in the new \$3.5 million cold storage building the firm recently completed on Forest Avenue at Falmouth Street. The new facility, which company President Stanley T. Bennett says affords storage space for 44,000 cases, raises the firm's total storage capacity by 75 percent. The building features a computer-controlled cranes as well as conveyors, which ensure that the stock is properly rotated. It also facilitates loading in the new garage which, together with an underground tunnel between the dairy and the cold storage building, is part of the project. Oakhurst used a \$2.5 million industrial revenue bond to help pay for the project, financing the rest from its own resources.

puter-controlled cranes as well as conveyors, which ensure that the stock is properly rotated. It also facilitates loading in the new garage which, together with an underground tunnel between the dairy and the cold storage building, is part of the project. Oakhurst used a \$2.5 million industrial revenue bond to help pay for the project, financing the rest from its own resources.

Jetport area hotel open for business

The 150-room Quality Suites hotel adjacent to Portland International Jetport received its city certificate of occupancy Saturday and — with some reservations in hand — began accepting guests. The 75-seat Cafe Stroudwater restaurant/lounge opened Saturday afternoon. For a while during its construction, the hotel was best known for the interference it created with the Federal Aviation Administration's radar contact with aircraft in the York County area. The problem has been temporarily solved by rerouting aircraft around the "dead space." The hotel, which has 115 one-bedroom suites and five two-bedroom units, is a franchisee of the 1,000-hotel Quality Inn International of Silver Spring, Md. The local owners include Robert Dunfee Jr.; his father, Robert Sr.; and brothers David and Richard Cook of Allied Construction Co. Inc., general contractor for the project.

The Dunfeys have decades of experience in the hotel-restaurant industry. The junior Dunfee will manage the \$10.5-million, 8-story building. Introductory rates for the 115 single-bedroom suites will be \$59 for single occupants and \$64 for two. Within a few days the five two-bedroom units will be available at an introductory rate of \$118. Designed to attract traveling business and professional people, each suite will have a wet bar, refrigerator, microwave oven, coffeemaker, hair dryer and television set with VCR in each of the two rooms. Some are fitted with special hookups for computer users. The hotel offers three meeting rooms and full banquet facilities. A shuttle van carries guests to and from the airport terminal. The Quality Suites phone number is 778-2200.



The trick is in the way the treat is made more than 75 years, by hand, using our own kitchen. Halloween is still a fun for who enjoy our treats will tell you that front doors. Try these special treats that

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7

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Maine stocks

Stock prices — as of Monday's close — of firms based in Maine, or which have substantial operations in the state.

Year	Low	High	Firm	Vol. in 1988	Daily High	Daily Low	Close	Chng.
1984	15 1/2	15 1/2	Bangor Hydro	14	15 1/2	15 1/2	21	—
1984	20 1/2	21	Bank of Boston	1220	21 1/2	20 1/2	21	—
1984	20 1/2	17 1/2	Bank of ME	1855	18	17 1/2	17 1/2	—
1984	15 1/2	12 1/2	Bethel Bancorp	59	13 1/2	13 1/2	13 1/2	+ 1/2
1984	38 1/2	27 1/2	Borden	1284	28 1/2	33	33	+ 1/2
1984	35	28	Brunswick Federal	—	—	—	—	—
1984	54 1/2	43 1/2	Camopus (Fiano's)	297	8 1/2	8 1/2	8 1/2	+ 1/2
1984	25 1/2	16 1/2	Carpanco Tech	271	16 1/2	16 1/2	16 1/2	—
1984	25 1/2	24	Chlorox	8201	30	29 1/2	29 1/2	+ 1/2
1984	14 1/2	14 1/2	Conaulara Water	315	14 1/2	14	14 1/2	+ 1/2
1984	12 1/2	12 1/2	Delta General	4407	20 1/2	20 1/2	20 1/2	+ 1/2
1984	30 1/2	24 1/2	Digital Equipment	1043	25 1/2	25 1/2	25 1/2	+ 1/2
1984	45	35	First Financial	787	32 1/2	32 1/2	32 1/2	+ 1/2
1984	40 1/2	21 1/2	Great Northern	109	27 1/2	27 1/2	27 1/2	+ 1/2
1984	54 1/2	42 1/2	International Paper	4559	45 1/2	45 1/2	45 1/2	+ 1/2
1984	44 1/2	25 1/2	James River Corp.	1254	27 1/2	27	27	+ 1/2
1984	29 1/2	19 1/2	Knoll	4224	34 1/2	34 1/2	34 1/2	+ 1/2
1984	24 1/2	18 1/2	KeyCorp	632	27	26 1/2	26 1/2	+ 1/2
1984	11 1/2	7 1/2	Maine Public Svc	18	21 1/2	21 1/2	21 1/2	+ 1/2
1984	10 1/2	6 1/2	ME-Trans Savings	—	—	—	—	—
1984	10 1/2	6 1/2	North Eastern	1501	7 1/2	7 1/2	7 1/2	+ 1/2
1984	6 1/2	6 1/2	NYHEX/NE TM	1529	7 1/2	7 1/2	7 1/2	+ 1/2

Fish prices

By The Associated Press
Here are the results of Monday's Portland-Fish Exchange auction. The total catch was 110,484 pounds. The first figure following the species name is the amount displayed in thousands of pounds; the second set of figures is price per pound.

Haddock, large 2.5; \$1.20-\$1.46
Haddock, scrod 1.2; 90-85
Cod, large 12.6; 57-63
Cod, market 19.4; 35-60
Cod, scrod 5.3; 40-44
Cusk 3.8; 30-41
Haked 9.5; lg. 30-55, sm. 28-34
Pollock 9.5; lg. 80, sm. 43
Redfish 1.9; 25-63

Close-up

Robert J. Dunfey Jr. Executive director, Quality Suites Hotel

Robert J. Dunfey Jr. learned the hotel business working for his hotelier father, Robert Dunfey Sr. At the Eastland Hotel (now the Sonesta Hotel) as a teen-ager, he washed dishes, was a bellman, sorted laundry and shampooed carpets.

Since 1973, he has worked in almost every phase of hotel management. Today, he owns residential and commercial real estate properties in Maine and elsewhere. As executive director of the Quality Suites Hotel, he oversees the management of the \$10 million facility near the Portland International Jetport, which opened Oct. 28.

Earlier that month, Dunfey filed a lawsuit against several business partners in the The Hospitality Group, charging them with business mismanagement and wasting assets. The suit, pending in the Maine Superior Court in Portland, was filed "as a precautionary and preventive matter" in the event that Dunfey and his partners cannot resolve differences over the direction of their management company. Dunfey says the suit has nothing to do with the hotel.



Q: Why does Portland need another hotel?

A: We felt, and a feasibility study supported our findings, that a hotel at the airport is probably an essential component for most travelers' services and Portland was lacking one. The (study) agreed an all-suite facility would be appropriate, especially because demand for an all-suite facility is growing rapidly in the country and Portland doesn't have one.

Q: So you have no real competition here for what you're offering?

A: There's competition, but not in the direct sense that there's an all-suite product competing with us. Obviously, someone may choose to stay at the Marriott over us, or us over the Marriott because they enjoyed the overnight accommodations with the two-room suite as opposed to your more conventional hotel room.

Q: Did you choose this location mainly because of the airport?

A: Yes. Many of our customers are travelers. We do have others staying here who come here because of the all-suite product.

Q: Some of the hotels in the Portland area are struggling. Is the hotel business changing in terms of what people are looking for?

A: Over the years, new products have been defined such as budget hotels, economy hotels, limited service hotels, full-service hotels with limited facilities and luxury hotels. It's more segmented than it was before.

Those hotels that have been here for 15 or 20 years are finding it more difficult to compete with the new products which may be equivalent — for example, the Comfort Inn or a Hampton Inn — which offers a very nice hotel room but doesn't have the restaurant facilities. That may be satisfying to certain travelers who are not looking for a hotel with room service or three meals offered in the hotel.

Q: How does a recession affect this business?

A: Usually there's less travel, the stays are shorter or there are no stays. That means there will be less business to go around and (it will be) all that more difficult to get your market share of the business. It just makes the competition that much more fierce.

Q: What are your ambitions for this facility?

A: Should we gain the acceptance that we expect, we could add another 76 rooms. Assuming the marketplace remains healthy and the recession doesn't last too long. We'd probably add an indoor swimming pool as well additional banquet

The Dunfey file

Age: 38

Residence: York

Education: Attended Dartmouth College and graduated from the University of New Hampshire with a degree in business administration in 1974.

Career: Worked after school and during college at the former Eastland Hotel in Portland, 1966-1973; front office manager at the Sheraton Inn (now Sheraton Tara) in South Portland, 1973, then became assistant manager and acting general manager; named corporate assistant to manage Dunfey properties nationwide in 1976 and was residential manager of a Dunfey hotel in San Mateo, Calif., 1976-78; general manager of the Sheraton Tobacco Valley Inn in Windsor, Conn., 1978, then moved to New York to be commercial lease manager of the former Staller Hilton, now Penta Hotel; manager of staff planning for Omni Hotels at the corporation's Hampton, N.H., offices, 1979-82, later becoming director of corporate purchasing; in 1985, he left the company to concentrate on residential and commercial real estate investments; currently executive director of 120-suite Quality Suites Hotel and a partner in The Hospitality Group, a Massachusetts-based hotel management organization whose members include hotel and resort owners.

space.

Q: You're so close to the airport. How did you deal with the potential problem of airport noise?

A: I knew we had to be sensitive to that potential problem. Fortunately our finished product has proven that that isn't a problem. There have been no complaints.

Q: Are you marketing any of the property surrounding the hotel?

A: There are 60 acres here. I just need to find the user. We've been at a standstill because the city expressed an interest in acquiring and those talks have been ongoing for 2½ years. They want to acquire some or all of it for airport-related activities — mostly for surface parking, as well as to build an access road to the airport.

Q: How does the airport expansion affect your hotel site?

A: The terminal facility expansion does not affect us (except) from the point of view that they need parking. There won't be any airplane-related facilities on this acquired land.



Larry Pelletier



Linda Leavitt



David Burger

New faces

At Fitzgerald & Tiffany Inc. — Allison Jacobs, Marc Roberge and Laura Day were hired to provide client services for the Portland firm, which specializes in administering qualified retirement plans.

Larry Pelletier of Bangor — joined Key Trust Co. of Maine's Bangor office with primary responsibilities in account administration and new business development. He previously was vice president of mortgage at Bangor Savings Bank.

Linda Leavitt — named corporate/sales marketing manager for the Portland Regency Hotel.

Kellie Harris — named leasing assistant for Coffin & Hourihan Commercial Brokers in Portland, a division of First Atlantic Corp.

David B. Burger — joined the tax department of Macdonald, Page & Co., certified public accountants with offices in Portland and Augusta. He was formerly a tax partner with Grant Thornton, an international accounting firm in Boston.

Kallen Roylos — named a Welcome Wagon representative for Scarborough.

At Brooks & Brooks — Peggy A. York and Regina W. Perkins were named to the staff of the South Portland firm of certified public accountants. Both are recent graduates of the University of Southern Maine.

Irene W. Wilson — hired as a travel consultant for Travel Planners Inc. of South Portland. She has 26 years of travel experience.

At Travel Agents International — Laurel Freeman was appointed director of leisure travel at the Portland firm. She has experience at local travel agencies and is an instructor at the T.A.I. Travel Academy. Kristen Cooper was hired as a travel consultant. She is a



Cristina Cook

University of Maine Travel Academy

Peter Green — branch manager of Sons, Portland. He over-the-road driver transportation manager large private fleet

Promotions

Cristina Cook — from personal assistant to assistant officer at Key Trust Augusta office. She with Key since 19

Robert Crooks — to data processing, Advantage Business Inc. of Auburn. He Advantage, he is processing manager Savings Bank in I

Deborah J. Smith — appointed assistant Maine National BNE Mortgage Co. the bank in 1987, recently served a manager in the m operations depart

Mary Ann Smith — promoted to general quality control at Laboratories Inc. She joined Ventr the production of transferring to an inspector in I

At Ocean National Robert M. Russo — to assistant vice president/loans, continue with consumer lending responsibilities a

Portland Press Herald
1/23/1990
p. 11

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WILL

BE NO

Marge Schmuckal - Embassy Suites Hotel - 1036-1058 Westbrook Street - 210A-A-5 - AB Zone

From: "Lavoie, Estelle A." <ELavoie@preti.com>
To: Marge Schmuckal <mes@portlandmaine.gov>
Date: 3/25/2012 9:57 PM
Subject: Embassy Suites Hotel - 1036-1058 Westbrook Street - 210A-A-5 - AB Zone

Marge –

How are you? You have probably been getting zoning questions about the above Hotel which is being sold. I've been asked to go the Code Enforcement Office and Planning Dept. tomorrow morning – so if you're around, I may have a few questions as well.

Thank you. Hope all is well.

Estelle

Estelle A. Lavoie | Attorney
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Marge Schmuckal - FW: Re: Airport Embassy Suites Traffic Control issue

From: "Lavoie, Estelle A." <ELavoie@preti.com>
To: Marge Schmuckal <mes@portlandmaine.gov>
Date: 3/26/2012 10:34 AM
Subject: FW: Re: Airport Embassy Suites Traffic Control issue

Marge --

Jennifer just called me from the Planning Department and said there is nothing in their file about a remedy to the radar problem. But the below e-mail from Paul Bradley to Alex Jaegerman says the problem was fixed by replacement and relocation of the radar.

Estelle

Estelle A. Lavole | Attorney
PretiFlaherty

From: Jennifer Yeaton [mailto:JMY@portlandmaine.gov]
Sent: Monday, March 26, 2012 10:31 AM
To: Lavoie, Estelle A.
Subject: Fwd: Re: Airport Embassy Suites Traffic Control Issue

>>> Paul Bradbury 3/26/2012 9:41 AM >>>
Good morning Alex,

I remembered there was an issue on the Embassy Suites and checked in with Artie Sewall this morning who was here at the time. Yes, there was interference with the FAA radar that at the time was located on Jetport property. The building caused a large blind spot to the north and west of the radar, which was located on Yellowbird Road. Fortunately that radar had already been scheduled to be replaced by one located at the National Weather Service site in Gray, so the FAA just accelerated the time line for replacement of the radar when this issue arose. So, no there is no liability or outstanding issue associated with the hotel.

I could see if FAA Technical Operations has any further documentation if it is required by Mr. Beaulieu. This said, I can assure you that the issue was resolved by the relocation of the radar.
Best,

Paul

Alex Jaegerman 3/26/2012 9:00 AM >>>
Paul:

The Embassy Suites Hotel is under contract for sale, expected closing tomorrow. Roger Beaulieu, who is copied on this email message, was in today looking for documentation that the interference issue with the air traffic control radar at the Jetport was resolved when the hotel was built.

By way of background, the hotel was built in 1989 as a Quality Suites. the FAA approval was complicated by a

typographical error in the project description, (It was described as 12,000 feet from the runway, but was only 1,200 feet away). When the building was built it interfered with the Traffic Control radar system. I recall the incident, and that it was resolved somehow, possibly by modifying the radar or using a remote location (Gray?). The title attorney is looking for documentation that this matter was resolved at the time.

I have not yet been able to locate the review file, and not sure that this would be covered in the correspondence there.

Can the FAA or Jetport assist in documenting that whatever issue was created back in 1989 has been satisfactorily resolved to the point that there is not further liability to the hotel? I think that is what Mr. Beaulieu is looking for.

Jennifer, if you can locate the review file or correspondence, that could be helpful. Its address was Westbrook Street.

Alex

Alexander Jaegerman, AICP
Planning Division Director
389 Congress Street, Suite 400
Portland, ME 04101

Phone: (207)874-8724

Paul H. Bradbury, P.E.
Airport Director
Portland International Jetport
1001 Westbrook Street
Portland, ME 04102

207-874-8877

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Marge Schmuckal - Re: Embassy Suites

From: Marge Schmuckal
To: Estelle A. Lavoie
Date: 3/26/2012 11:10 AM
Subject: Re: Embassy Suites
Attachments: thru 1980 ordinance.pdf; thru 1991 ordinance.pdf

Thank you, Estelle,

I checked our back files and found no original permit or occupancy permit. There are a couple of permits for the communications tower and a permit to adapt 7 rooms for ADA. But nothing else.

I also did some research on past Ordinances. I do not have a Land Use Ordinance for every past year. However, I do have an Ordinance that is updated to 3-1-1980. That Ordinance for the AB zone does not list a maximum building height, but it does mention FAA regulations. I suspect that the wording at the time of approval for the Embassy Suites was the same.

The next closest Land Use Ordinance I have states that it is updated thru 10-3-1991. That Ordinance has the wording of today's AB zone. I suspect that it may have been revised because of the Embassy Suites incident.

I have attached both here. I hope this helps you.

Marge

>>> "Lavoie, Estelle A." <ELavoie@preti.com> 3/26/2012 10:14 AM >>>

Marge – Just so you know, when I left your office, I ran into Jennifer in the Planning Dept. who was on her way up to the attic to look for this hotel's file. I gave her my business card with direct line and told her to call me, esp. if the file is large and she's not sure where to look. I'll let you know if I hear from her. Thank you. Estelle

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* updated Thu 3-1-1980

AB

B BUSINESS ZONE

Section 602.9A

NO height
req.

- 602.9A. A. No building shall be erected, altered, enlarged, rebuilt, or used, and no premises shall be used, except for the following uses:
1. Airport Administration
 2. Airline terminal
 - a. Administration
 - b. Reservations and ticket sales
 - c. Air express and freight receipt, transient storage, and forwarding
 - d. Plant service, repair and storage
 3. Charter flight service
 4. Airport service and storage, including transient
 5. Aircraft and aircraft accessory sales and services
 6. Flying School
 7. Bus terminal
 8. Taxi Stand
 9. Car rental agency, including vehicle storage
 10. Hotel or motel
 11. Restaurant, coffee shop
 12. Concessions, including, but not limited to,
 - a. News
 - b. Magazines
 - c. Drugs and sundries
 - d. Gifts
 - e. Barber Shop
 - f. Shoe shine parlor
 - g. Parcel storage
 - h. Insurance sales
 - i. Vending machines
 13. Bank
 14. Accessory buildings and uses customarily subordinate or incidental to a conforming principal building or use.

- 602.9A. B. Every use, unless expressly exempted, shall be subject to the following limitations:
1. The use shall be operated within a completely enclosed structure, except for those customarily operated in open air.
 2. No emission of electromagnetic impulses shall be permitted excepting those required for authorized radio communications.
 3. No outdoor light, except where authorized for aircraft navigation, guidance or weather observations, shall be so placed or directed as to interfere with the landing, taking-off, taxiing, or maneuvering of aircraft utilizing the airport facilities.
 4. Heat or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
 5. Smoke shall not be emitted by any use at a density in excess of that classified as Ringelmann Number 2. No smoke producing industries shall be permitted in or in the vicinity of approach areas.
 6. No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors shall be only in closed containers. Garbage dumps or other areas attracting large numbers of birds, rodents, or insects shall be prohibited.

"Storage of more than ten (10) unregistered derelict automotive vehicles on the premises for more than sixty (60) days, and outdoor storage of more than fifty (50) used automotive tires on the premises for more than thirty (30) days shall not be permitted"

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R

A.C. No building or structure shall be erected, altered, enlarged, rebuilt, or used which does not comply with the following requirements:

1. Rear yards are not required but no structure may extend beyond the building line established for any runway or taxiway.
2. Side yards are not required except where side yard abuts a residence Zone in which case they must be 10 feet in width. If provided, side yards must be not less than 3 feet in width.
- "3. ~~Front yards are not required but every building adjoining a thoroughfare listed in Section 602.21 shall be set back in accordance with the requirements of that Section except~~ that every property having frontage on Westbrook Street shall have a minimum front yard of 20 feet."
4. No structure or tree shall be erected, altered, allowed to grow, or maintained to a height in excess of that required by applicable Federal Aviation Agency regulation.
5. There shall be a minimum lot size of 20,000 square feet.

Effective
9/1/71

- | | |
|---|-----------|
| D. Off-street parking shall be provided as required in Section 602.14 of this Ordinance. | 602.9A D. |
| E. Off-street loading shall be provided as required in Section 602.15 of this Ordinance. | 602.9A E. |
| F. Access to streets or sections of streets listed in Section 602.21 from a business or from business uses on land under one ownership aggregating more than 300 feet of continuous street frontage shall be by service ways. The number of service ways, the grade, and the provisions of curbs, sidewalks, and esplanade reservations shall be approved by the Director of Public Works. No driveways crossing the sidewalk or cutting the curb in any other manner shall be permitted. | 602.9A F. |

"G. No building or structure shall be erected, altered, enlarged, rebuilt, or used, and no premises shall be used within the land area situated between the shoreland zone line and the normal high water mark of the waters of the Stroudwater River, Presumpscot River, Fore River, Portland Harbor, Back Cove, and the bays, coves, sounds, inlets, and open waters of Casco Bay, as shown on the City of Portland Zoning Map and on all land areas of all islands not having a shoreland zone line on the City of Portland Zoning Map, which does not comply with the requirements of Section 602.19A of this Ordinance."

updated thru 10-3-1991

LAND USE

§ 14-197

stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited. (Ord. No. 293-88, 4-4-88)

Secs. 14-188—14-195. Reserved.

DIVISION 11. A-B AIRPORT BUSINESS ZONE*

Sec. 14-196. Purpose.

The purpose of the A-B airport business zone is:

- (1) To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees. (Ord. No. 295-88, 5-23-88)

Sec. 14-197. Permitted uses.

The following uses are permitted in the A-B zone:

- (1) Administration;
- (2) Airline terminal including, but not limited to:
 - a. Administration;
 - b. Concessions including, but not limited to, newsstands, florists, pharmacies and sundries, parcel storage, insurance sales, vending machines and video games;
 - c. Reservations and ticket sales;
 - d. Air freight operations;
 - e. Travel agency;
 - f. Physical plant service, repair and storage;
 - g. Cocktail lounges; and
 - h. Public waiting area.
- (3) Charter flight service;
- (4) Airport carrier operations, including ground support and fueling;
- (5) Aircraft and aircraft accessory sales and services;
- (6) Flying school;
- (7) Ground transportation;

*Editor's note—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196—14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196—14-202. Formerly, such sections derived from §§ 62.9A.A—602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.

- (8) Car rental operations, including vehicle storage;
- (9) Hotel or motel;
- (10) Restaurant, coffee shop;
- (11) Bank;
- (12) Parking lots and garages; and
- (13) Accessory buildings and uses, including use of temporary structures within the boundaries of the Portland International Jetport for not longer than five (5) years, provided the owner demonstrates to the planning authority the intention and ability to discontinue or replace the temporary use with a permanent structure within five (5) years. (Ord. No. 295-88, 5-23-88)

Sec. 14-198. Prohibited uses.

Uses not expressly enumerated in section 14-197 as permitted uses are prohibited. (Ord. No. 295-88, 5-23-88)

Sec. 14-199. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses in the A-B zone shall meet the following:

- (1) *Minimum lot size:* Twenty thousand (20,000) square feet.
- (2) *Minimum street frontage:* Fifty (50) feet, except as described in section 14-201(2).
- (3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

1. Principal or accessory structures: None, except that every property having frontage on Westbrook Street shall have a minimum front yard of twenty (20) feet.

b. *Rear yard:*

1. Principal or accessory structures: None, except where a rear yard abuts a residence zone or use, in which case it must be fifty (50) feet. No structure may extend beyond the building line established for any runway or taxiway. If provided, rear yards must not be less than five (5) feet in width.

c. *Side yard:*

1. Principal or accessory structures: None, except where a side yard abuts a residential zone or use, in which case it must be twenty-five (25) feet in width. If provided, side yards must not be less than five (5) feet in width.

- (4) *Minimum lot width:* Fifty (50) feet.

- (5) *Maximum structure height:* Seventy-five (75) feet, except within one hundred (100) feet of the private property line on Westbrook Street or within one hundred (100) feet of the boundary of the A-B airport business zone in which the height limit shall be forty-five (45) feet. No structure or tree, however, shall be erected, altered, allowed to grow or maintained to a height in excess of that allowed by applicable Federal Aviation Administration (FAA) regulation.
- (6) *Maximum impervious surface ratio:* Seventy (70) percent. (Ord. No. 295-88, 5-23-88)

Sec. 14-200. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the A-B zone:

- (1) *Landscaping and screening:* The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading:* Off-street parking and loading are required as provided in division 20 and division 21 of this article.
- (4) *Signs:* Signs shall be subject to the provisions of division 22 of this article. Temporary freestanding advertising signs are not permitted.
- (5) *Exterior storage:* There shall be no exterior storage within the district, with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.
- (6) *Storage of vehicles:* Storage of vehicles is permitted as provided in section 14-335.
- (7) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or a flood plain zone, the requirements of division 26 and/or division 26.5 apply. (Ord. No. 295-88, 5-23-88)

Sec. 14-201. Special provisions as to restricted access areas.

- (1) Runways, taxiways and other areas of the jetport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not, shall be known as "restricted access areas" and must be subject to the special provisions of this section.
- (2) Lots in restricted access areas shall not be subject to the provisions of section 14-199(2) and (6) as to frontage and maximum impervious surface ratio; and shall not be subject to the provision of section 14-200(1) landscaping or the requirements of section 14-202.
- (3) Use of lots in restricted access areas shall be limited to uses which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations. (Ord. No. 295-88, 5-23-88)

Sec. 14-202. External effects.

- (1) *Reserved.*
- (2) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (3) *Noise:* The volume of sound, measured by a sound level meter with frequency weighing network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second at lot boundaries), excepting air raid sirens and similar warning devices.
- (4) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (5) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (6) *Smoke:* Smoke shall not be emitted at a density in excess of forty (40) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (7) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited. (Ord. No. 295-88, 5-23-88)

Secs. 14-203–14-215. Reserved.

DIVISION 12. B-3 AND B-3b DOWNTOWN BUSINESS ZONES*

Sec. 14-216. Purpose.

The purposes of the B-3 and B-3b downtown business zones are to:

- (1) Maintain and enhance the role of the downtown as the business and commercial center of the region;

***Editor's note**—Ord. No. 241-91, adopted Mar. 11, 1991, repealed former Div. 12 of this article, §§ 14-216–14-221, relative to B-3 and B-3b Business Zones, and enacted new provisions in lieu thereof as Div. 12, §§ 14-216–14-221.1. Formerly, Div. 12 derived from §§ 602.10.A–602.10.F of the city's 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date
452-72	2	7-17-72	364-88		5- 4-88
499-74	5	8-19-74	294-88		5-23-88
344-76	6	7- 7-76	34-89		6-28-89
429-83	1	4-25-83	153-89	2-7	11-20-89
173-87	1	3- 4-87	235-91	16	2- 4-91

Cross references—Public arts program, § 14-851 et seq.; relocation of displaced tenants, § 14-861 et seq.